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*Attorneys for Plaintiff*  
ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF GEORGE P.  
SIMION IN SUPPORT OF  
GOOGLE'S ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL**

Dept.: Courtroom 9, 19th Floor  
Judge: Honorable William H. Alsup

1 I, George P. Simion, declare as follows:

2 1. I am in-house counsel for Oracle America, Inc. (“Oracle”). My title is Senior  
3 Patent Counsel and I represent Oracle in the above-captioned matter. I make this declaration in  
4 support of Google, Inc.’s Administrative Motion to File Under Seal Exhibit 3 to the Reply  
5 Astrachan Declaration in Support of Motion for Summary Judgment on Count VIII of Plaintiff  
6 Oracle America’s Amended Complaint (Dkt. No. 372). This declaration is based on my own  
7 personal knowledge. If called as a witness, I could and would testify competently as to the  
8 matters set forth herein.

9 2. I have reviewed the Reply Declaration of Owen Astrachan in Support of  
10 Defendant Google Inc.’s Motion for Summary Judgment on Count VIII of Plaintiff Oracle  
11 America’s Amended Complaint (“Reply Astrachan Declaration”) (Dkt. No. 371), as well as the  
12 accompanying Exhibits 3 and 4.

13 3. Exhibit 3 to the Reply Astrachan Declaration (the “Astrachan Rebuttal Report”)  
14 should be filed under seal. The Astrachan Rebuttal Report contains materials properly designated  
15 Highly Confidential – Source Code pursuant to the Order Approving Stipulated Protective Order  
16 Subject to Stated Conditions entered in this case (Dkt. No. 68).

17 4. Specifically, the following portions of the Astrachan Rebuttal Report are properly  
18 designated Highly Confidential – Source Code and should be sealed: Paragraphs 28, 29, 30, and  
19 Exhibit F of the Astrachan Rebuttal Report contain and discuss Oracle source code for the Java  
20 Development Kit Version 5 (“JDK 5”). Oracle’s JDK 5 source code is a proprietary business  
21 asset. While other versions of this code are publicly available, this particular version is not.  
22 During the course of business, Oracle only discloses this information subject to license  
23 agreements that impose significant restrictions on its use. Oracle logs access to this source code  
24 to ensure compliance. Disclosure of this information would cause significant and undue harm to  
25 Oracle’s business.

26 5. A very similar version of the particular code excerpted in paragraphs 14, 16, 18,  
27 21, and 58 of the Astrachan Rebuttal report is publicly available. Thus Oracle does not believe it  
28 is necessary to seal these particular excerpts.

7. Oracle submits herewith a proposed Order Sealing Oracle, Inc.'s Confidential Information.

I declare under penalty of perjury under the laws of the United States that to the best of my knowledge the foregoing is true and correct. Executed on August 31, 2011 at Redwood Shores, California.

## GENERAL ORDER 45 ATTESTATION

MORRISON & FOERSTER LLP

/s/ Roman A. Swoopes  
Roman A. Swoopes

Attorneys for Plaintiff  
ORACLE AMERICA, INC.